

## **PEDDLERS AND VENDORS**

### **Chapter 133**

- 133-1. Purpose.**
- 133-2. License required; display of license.**
- 133-3. Definitions.**
- 133-4. Application.**
- 133-5. Inspection.**
- 133-6. Fees.**
- 133-7. Exemptions.**
- 133-8. Violations and penalties.**

**[HISTORY: Adopted by the City Council of the City of Dover 8-18-82 as Ord. No. 13-82. Amendments noted where applicable.]**

#### **General References**

Eating and drinking establishments - See Ch. 99.

### **133-1. Purpose.**

Pursuant to the terms of RSA 31:102-a, the purpose of this chapter is to enact provisions for the licensure and regulation of peddlers and vendors.

### **133-2. License required: display of license.** [Amended 7-13-83 by Ord. No. 22-83]

It shall be unlawful for a peddler or vendor, as defined in 133-3 of this chapter, to engage in such business within the City of Dover without obtaining a license from the Licensing Board by application through the City Clerk as hereinafter provided. Such license shall be displayed in a conspicuous place.

**133-3. Definitions.**

For purposes of this chapter, the following definitions shall apply:

**MOTOR VEHICLE** - Any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the Department of Motor Vehicles.

**PEDDLER** - As defined in RSA 320:1, and includes any person, whether a resident of the City of Dover or not, traveling by foot, wagon, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale from stock or by sample for future delivery or who, without travelling from place to place, shall sell or offer the same for sale from a wagon, stand, motor vehicle, railroad car or other vehicle or conveyance. The word peddler shall include "hawker" and "huckster." The term "peddler" shall not be construed to include an individual who displays his merchandise on a public sidewalk immediately adjacent to his place of business, provided that any merchandise so displayed shall not extend beyond one-third (1/3) of the width of said public sidewalk from the edge of his place of business. **[Amended 7-13-83 by Ord. No. 22-83]**

**PUBLIC PROPERTY** - Any city-owned or controlled property, including but not limited to streets and sidewalks.

**SELL** - Includes any offer to sell or attempt to sell.

**STAND** - Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a peddler.

**VENDOR** - A peddler who on public property sells food, beverage or merchandise from a stand, motor vehicle or his person.

*133-4*

*133-5*

**133-4. Application.**

A. The application for a peddler or vendor's license shall include the following information:

- (1) The name, home and business address of the applicant and the name and address of the owner, if other than the applicant, of the business and any stand and motor vehicle to be used in the operation of the business.
- (2) A description of the type of food, beverage or merchandise to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
- (3) A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
- (4) Certificates of inspection as required by 133-5.
- (5) A certificate of insurance or other proof acceptable to the Licensing Board that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the licensee from all claims for damage to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such policy shall provide coverage for personal and property damage in such amounts as may be deemed reasonable by the Licensing Board. **[Amended 7-13-83 by Ord. No. 22-83]**

B. In addition, an application for a vendor's license shall include:

- (1) A vendor from a motor vehicle shall describe, if less than the entire city, the general area in which he proposes to vend.
- (2) A description of the proposed location of the vending business.
- (3) A vendor from a motor vehicle who wishes to operate from a fixed location may request the hours and days of the week during which he wishes to operate. The Licensing Board shall have the authority to set the hours of operation.

**133-5. Inspection.** **[Amended 8-27-86 by Ord. No. 11-86]**

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in Chapter 99 and the following:

*133-3*

## **PEDDLERS AND VENDORS**

133-5

133-8

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business shall be inspected at least quarterly by the Health Officer.

### **133-6. Fees.**[Amended 7-13-83 by Ord. No. 22-83; Amended 05-01-91 by Ord. No. 17-91]

Every applicant, before being granted a license, shall pay the following license fees:

- A. The annual fee to operate as a peddler or vendor, in the City of Dover, other than from a motor vehicle, shall be two hundred dollars (\$200).
- B. The annual fee to operate as a peddler or vendor from a motor vehicle in the City of Dover shall be two hundred dollars (\$200.) per vehicle.
- C. A license to operate as a peddler or vendor in the City of Dover on a temporary basis may be obtained upon payment of a fee of ten dollars (\$10.) per week for a maximum period not to exceed 12 weeks.
- D. Each annual license shall expire on midnight on May 31st of each year.
- E. Fees for applications for annual licenses received after September 1 of the licensing year shall be one-half (1/2) of the amounts set forth in 133-6A and B above.

### **133-7. Exemptions.** [Amended 7-13-83 by Ord. No. 20-83]

- A. Non-commercial vendors such as religious, charity, political and other social non-profit organizations are exempt from these provisions and are not required to apply for an exemption. [Amended 8-27-86 by Ord. No. 11-86; amended 08-21-02 by Ord. No. 27-02]
- B. Participants in any "street fair," as defined by RSA 31:100 (supp.), which may be authorized from time to time by the City Council, shall be exempt from the requirements of 133-6 only. All other provisions of this chapter shall apply to said participants. Said participants shall be defined as those persons or business organizations which have been listed and identified by the organization sponsoring any such "street fair." Any list compiled by said organization for the purposes of this section shall be completed and placed on file in the office of the City Clerk on or before the first day of the "street fair."

### **133-8. Violations and penalties.**

133-9.

Any person, firm or corporation violating any provisions of this chapter shall be guilty of a violation and be subject to a fine of up to one hundred dollars (\$100.).